

**REMARKS**

Claims 11-15, 17-20 and 29-34 are pending. Claims 35-42 have been added from co-pending U.S. Patent Application Serial No. 10/989,046, entitled "SYSTEM AND METHOD FOR ASSURING THE INTEGRITY OF DATA USED TO EVALUATE FINANCIAL RISK OR EXPOSURE," filed November 15, 2004. Upon entry of this amendment, claims 11-15, 17-20, and 29-50 will be pending.

Claims 11-14, 17-20 and 29-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Reboh et al. (U.S. Patent No. 4,866,634) ("Reboh") in view of Hedstrom et al. (U.S. Patent No. 6,477,471) ("Hedstrom") and further in view of Vaidyanathan et al. (U.S. Patent No. 6,941,287) ("Vaidyanathan"). Claims 11-15, 17-20, and 29-34 are rejected based on the judicially created doctrine of double patenting.

**Rejection of Claims 11-14, 17-20 and 29-34 under 35 U.S.C. § 103**

Claims 11-14, 17-20 and 29-34 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Reboh in view of Hedstrom and further in view of Vaidyanathan. The rejection is respectfully traversed and reconsideration is requested.

On page 4 of the Office Action, the Examiner asserts that Vaidyanathan teaches "assessing by the computer the credibility that changes to the set of input financial data are the result of one or more errors," as recited in claim 11, "an assessment of the credibility that changes between the information content of the one or more historical values and the information content of the set of input financial data are the result of one or more errors," as recited in claim 14, and "alerting a user that the change between the first information content of the inputted financial data and the second information content of the historical values may be a possible error based on the identified odds," as recited in claim 30. The Examiner cites to columns 13 and 40 for support in Vaidyanathan. However, Vaidyanathan also fails to teach these elements.

Vaidyanathan models empirical data, but does not assess whether changes in data are the result of errors. The Examiner asserts that Vaidyanathan's "fitness" of the data is representative of its accuracy. Vaidyanathan defines a fitness function to measure the function of any bit string relative to the problem at hand to measure the goodness or accuracy of any possible solution. Col. 12, lines 52-55. In an attempt to find the best inputs of the bit strings, Vaidyanathan uses the fitness function of the input variables in each bit string combination of variables. "This

metric is referred to as a fitness function in a genetic algorithm. It is a measure of how well a given bit string solves the problem at hand.” Col. 12, lines 40-43. Vaidyanathan uses a measure of the output state clustering to measure the information richness of the subspace of data. Col. 12, line 46 - col. 13, line 12. But Vaidyanathan does not assess the credibility that changes to the input data is the result of an error. Indeed, the only error analysis in Vaidyanathan is a comparison of actual data to test data to determine an error rate, which is also not germane to the present invention.

Further, Vaidyanathan does not teach whether there is an error in a set of input financial data. The Examiner relies on column 40 of Vaidyanathan, which recites that it is desirable to identify certain variables for financial forecasting (e.g., stock pricing). “The most information-rich feature combinations (or genes) can be evolved using the present invention described herein to discover which variables at which earlier time points are most information-rich in affecting market variables for financial forecasting.” Col. 40, lines 41-46. However, Vaidyanathan is not determining whether changes in the input data are errors. Instead, Vaidyanathan is using a model to find variables that best forecast a future price of a stock. Once the variable is chosen and data is input into the model, Vaidyanathan does not determine whether a change in the input data is a result of an error. As a result, Vaidyanathan’s application of its process to financial data is not germane to the present invention.

Thus, Vaidyanathan fails to cure the deficiencies of Reboh and Hedstrom. Because claims 11, 14, and 30 are believed to be allowable, claims 12, 13, 17-20, 29, and 31-34 are also believed to be allowable. Also, for at least these reasons, claims 35-42 are also believed to be allowable. Therefore, it is respectfully requested that the rejection of claims 11-14, 17-20, and 29-34 be withdrawn.

### **Double Patenting**

Claims 11-15, 17-20, and 29-34 are rejected based on the judicially created doctrine of double patenting in view of U.S. Patent Application Serial No. 10/989,046. Because the ‘046 application is also pending, the provisional double patenting rejection will be addressed when one of the pending applications is to issue as a patent.

**Notice of Related Application**

This application is related to co-pending U.S. Patent Application Serial No. 10/989,046, entitled "SYSTEM AND METHOD FOR ASSURING THE INTEGRITY OF DATA USED TO EVALUATE FINANCIAL RISK OR EXPOSURE," filed November 15, 2004 and assigned to Examiner Samica L. Norman.

**CONCLUSION**

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account 50-4402.

Respectfully submitted,

Date: April 19, 2009  
KING & SPALDING LLP  
1700 Pennsylvania Ave., NW  
Washington, DC 20006  
(202) 626-8980

By: /Eric Sophir, Reg. No. 48,499 /  
Eric L. Sophir  
Registration No. 48,499